G. R. S. 58]

Previous references. 1896-97.

191

(Pamd J)

Later references.

File No. 620/1896-97.

Serial Nos. 5, 6, 10, 11

(20)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 5, 6, 10 and 11.

Part B for

SUBJECT.

Location of persons believed to be of unsound mind in the nearest Civil Hospital or Jail instead of in the Lunatic Asylum Bangalore

---

S. S. J 1254 7/1896

108. 18-2-97.

From

The J. A. to the Resident.

Asks for an explanation of the proceedings of the officer in charge of the Asylum, in refusing to receive a woman sent to the Asylum for observation.

GPB—8,500—21-7-14.

Sl. 6. 12060. 5-5-97.
J1370

To
The J. A. to the Resident.

Acknowledges the above Sl. 5 and states, pending the final settlement of the question, that the Senior Surgeon has been instructed to receive the supposed lunatics.

Sl. 10. 11568 2661. 24-6-97.
J1454

From
The J. A. to the Resident.

Acknowledges the receipt of the above Sl. 6.

8-7-97.

Sl. 11. 321 To
J38

The J. A. to the Resident.

States that the Officer in Charge of the State Lunatic Asylum will receive all the supposed lunatics.

K. Rangaswamy.

38

Enclosure

Letter No 108 from the Resident Clerk in charge to the Secretary Board of Lunacy and Mental Deficiency in regard to certificates for admission to Asylum

After [illegible] consultation [illegible] Resident Medical Officer [illegible] Chief Secretary [illegible] Asylum at Singapore (Vide Serial No 23). The Colonial Surgeon [illegible] the necessary arrangements for the reception and detention of Lunatics [illegible] (Serial No 25).

After receipt of your instructions as to the Orders for the Guard on Lunatics I will see that [illegible] Dr Lim [illegible]

Subject - I suggest to you
that it was not the effect
quite the opposite of what
was intended - It deals
with lunatics sent to the Asylum
paras 3 & 4 of the Lunacies
-tion of 31st July 1774
and with the procedure
last section as regards
them in para 7 - Re-
-lebrated lunatics
sent for the purpose of
full under para 5 - In
their case written an order
in form 1 (added to
the said Notification)
from a medical certificate
in Form A (Vide para 23
of the Asylum Rules
published with Pro Rec
3155 — 9 346 H. 30 Feb 1895), is
quite possible, for, they
are supposed lunatics
to be kept under observation
and not - Persons not
whose lunacy leads the
Magistrate & the Medical
Officer have satisfied
themselves - The Rules
above referred to (taken
from the Madras Code)
do not strictly apply -

The order of 7.11.96
is quite in accordance with
the Rules. That order
refers only to persons
sent under Rule 3 & 4
It made no allusion
to para 5, the pris
-oner in the case
of the Resident's letter
of 19 July 1895 although
the Lunatic Asylum
in the City of Bangalore
has a place for the
reception & detention of
lunatics & also the
Committee of Bangalore
are, I think, unofficially
Members of the Lunacy
Committee) a
doubt he ought Shou-
-ld have made a report to the
Darbar instead of
report of adm^n. Such
cases are sent for detention
by order of the accompanying
I think

of the substantive enactment
of Rule 23, makes (subject to —

the case of persons
dealt for being Rebels
under observation.
This is a modification
of the Queries agreed to
on the complaints the Rebels
Delegates requested this
Report especially
since para 5 of the
Instructions of 1874.
Remained as this
being done. The object
of the above Rule
was clearly to indicate
to the Local Surgeon
what the Govt required
and to exclude
unauthorised Queries
from the Asylum Books
leaving as the Rules
(Instructions of 1874
para 5) remained as
they were so long as
Govt did not think
it expedient to
adopt a Question to
be finally settled in
consultation with
the Resident. I am
sorry that I did not
at once realize
and bring to the Govts
notice, the importance

the allegations made
by him in the Affidavit
when it was sent to him
for approval. On the
Receipt of this order,
the Officer in charge
of the Asylum seems
to have refused to admit
a Constable named
Hafiz Ali sent to him
by the Superintendent of the Police
Station on the ground
that he was not a com-
missioned by an order
in form I of a certificate
in form A. This refusal
having been made
the fact of the Warrant
given by the Magistrate
of Jhang on the 8th of the Month
Requisitioning
the Superintendent
the Asylum to
deliver up the Plaintiff
to Hafiz Ali
Charge of the Asylum
and by the subsequent
order of 7-11-96 he
supplemented by an order
stating that in terms
of the Notification of 1874,
authorised Constables
also admissible into the
Asylum, that no Police

I still think
there is no
bar to the Magistrate (who
signed the Warrant) of
Respondent — a copy
of an order of 7.11.96
ought to have been
sent to the Respondent
for us to see on what
grounds complaint
AH

Yes this may be
done. But the
views of the Respondent
are known as to the
unsuitability of the
provisions of para 5 of

case no order upon
1 or certificate in
form A unless pro-
duced, and that
Magistrates & others
similar persons be
dealt with accord-
ingly & that the Resident
Surgeon be requested that
a recent order of the
Board should have
led to an erroneous
impression in the mind
of the Asylum authori-
ties that Lunatics will con-
tinue to be received by
order upon
under para 5 of the
Medical of 1874 with-
out an undertaking
upon an order upon
1 or a certificate in
form A and that
instructions have
been issued accord-
ingly.

As soon as I
received the minutes
referred to above, I
wrote a D.O. to Dr
Benson explaining
the undesirability of

cautionary would
practice until
some thing definite
should be decided
after receipt of the
Jute Boundary —

28/4/97

Under Article 23 of
the Rules of the
Madras Code I would
give the Accused the benefit
from A. is very even not
cancelled a supposed lunatic
sent to the asylum for observation

28/4/97

J 1454

OFFICE OF THE
11568
25 JUN 1897
1345
DEWAN OF MYSORE

189

From The 1st Asst to the Resdt
in Mysore
(48)

To

The Secretary to the Govt. of Mysore,
Rev & Genl Dept.S

Dated 24th June 97.

Despatched

Received

General No. 2661.
No.

Enclosure No.

Re-admission of supposed lunatics from the C & M station into the Lunatic asylum or into the Central Jail

---

References to be marked.
J.F No. 477 1893-4 containing the reports put up. DSR
26/6/97

Subo letter 1
26/6/97

Subd Draft & with references

The Notification of 17/8/95 contains the reservation "and so far as the said Rules are capable of abbrogation". Since the Madras Rules do not seem to apply to supposed lunatics, the latter have to be dealt with under the Mysore Rules of 1871 which require their detention in the nearest Jail or civil Hospital pending orders. Where no lunatic asylum is established, as was after some correspondence with the Government of India that the Resident's arrangement as regards certain Talooks supposed lunatics was finally sanctioned in 1895. There is much to be said in favor of the Resident's view. I doubt whether it is expedient to disturb the arrangement as that would necessitate a reference to the Govt of India.

The delay of 3 months in noticed & explained 9 June 17/7/97 already noticed - when very much to be regretted - when the order of 7 Nov 1896 was passed the Resident ought to have been furnished with a copy & his consent obtained with reference to the requirements of the Rules - This omission is also regretted. However as we may assume Resident at once that hence forward the rules have been complied with in these matters the Govt of India do not press for the consideration

J 1254

OF THE
189 7119 1/2
19-2-97
SECRETARIAT
GOVT OF MYSORE

From The Medical Officer, Mysore Asylum.

To

The Secretary to the Govt. of Mysore,

_____ Dept.

Dated 18-2-97.

Despatched

Received 28-4-97 at 6-15 P.M.

General No. 108

No.

Enclosure No. 3

Asking for an explanation of the Proceedings of the Officer in charge of the Lunatic Asylum, in refusing to receive a woman sent to the Asylum for observation by the C & M.St. authorities.

References to be marked.

Is this letter received from Dr. on 28th. If so the Govt. receipt the Govt. receipt on 19/2/97 in the Govt. I have written Where is the copy of the Govt. letter

21-7-97

Camp No. 10 SECTION Para 9

FILE No. 62 of 96-97

SERIAL No. 5

FROM

THE FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

TO

(35)

The Dewan of Mysore.

Pollibetta
Dated Bangalore, the 15th Feby 1897.

SIR,

I am directed to state that on the 11th December 1896, the 2nd magistrate of the Civil and Military Station acting on the authority of the Resident's Proceedings of the 19th July 1895, No. 2741 sent to the Durbar's Lunatic Asylum at Bangalore for observation a woman, Hajema Bi alias Sultan Bi whom from her demeanour and conduct he believed to be insane but her reception was refused by the officer in charge of the Asylum.

2. On this being brought to the notice of the Resident, he considered that the procedure had not been entirely regular. So he issued the letter to

the

the District magistrate of the Station No. 148. dated the 16th ultimo of which a copy is attached. A reply has now been received from the District magistrate (a copy of which together with a copy of the 2nd magistrate's Letter of the 3rd instant is enclosed) to the effect that the officer in charge of the Asylum still declines to receive the woman.

3. In face of this second refusal the officiating Resident will be glad to receive an explanation of the proceedings of the officer in charge of the Asylum at an early date.

I have the honor to be,
Sir,
Your most obedient servant,
K. D Erskine Captain.
First Assistant Resident.

Encl to P.L. 5

No. 148

The Resident's office,
Dated 16th January 1897.

From,

The First Assistant Resident in Mysore.

To.

35

The District magistrate,
civil and military Station, Bangalore.

Sir,

With reference to your letter No. 1605, dated the 19th December 1896 regarding the refusal of the officer in charge of the State asylum, to admit one Hajeem Bee, a lunatic of the civil and military Station of Bangalore, I am directed to ask you to obtain a medical certificate from the Residency Surgeon setting forth that the woman appears to be of unsound mind, and that her detention under observation appears necessary; and under cover of this certificate to send her again to the Lunatic Asylum, referring the Senior Surgeon to the Proceedings of the Government of Mysore No. 1278-J 140, dated the 20th July 1895.

2. The letter from the Senior Surgeon

to

to the 2nd magistrate (herewith returned together with the other papers forwarded by you) is not quite clear as to the actual ground of refusal but if a certificate such as the Residency Surgeon can easily furnish, be sent with the woman, the officer in charge of the asylum cannot in face of the burbar's letter No. 18365 — J 1293 of the 26th April 1894 (copy attached) refuse to admit her. One of the rules for management which the Resident approved — Vide his order 3213, dated 17th August 1895 — provides that a certificate from a medical officer must accompany "a lunatic or any person supposed to be dangerous by reason of lunacy" sent to the Lunatic Asylum. The Resident can insist on the reception in the Asylum of supposed lunatics for purposes of observation but he is not prepared to contest the obligation under rule 23 of the rules above quoted to send with them the certificate of a medical officer.

Printed Circular No. 2 Rule 23

"Copy"

I have the
Lieut Col K.B. Scott
1st Asst. Resd

Encl. to Sl. S—

1866

Office of the District Magistrate,
Civil and Military Station, Bangalore.
Dated 9th February 1897.

From,

The District Magistrate,
C & M Station, Bangalore.

35

To,

The First Assistant to the Resident
in Mysore.

Sir

In continuation of the correspondence ending with your letter of the 16th January 1897, No. 148, referring to the Supposed lunatic Hajira Bi, and the refusal of the officer in charge of the Lunatic Asylum, Bangalore, to receive her for observation, I have the honor to forward herewith copy of letter from the Second magistrate dated 3rd instant, No 1097. From this it will be seen that the officer in charge of the Lunatic Asylum still refuses to receive the Supposed lunatic unless under an order from the magistrate for her detention as a lunatic, accompanied by a certificate from

a

a medical officer that she is a lunatic.

2. It will be seen that under the circumstances there is no possibility of dealing with persons who show signs of lunacy, but who cannot be definitely declared to require detention, as such, without careful observation, because neither the officer in charge of the Lunatic Asylum nor the officer in charge of the Bowring Civil Hospital will receive them for the necessary observation. And it is obvious that most grievous injury might be done, if a medical officer were to give Certificates of lunacy offhand, without due care or sufficient observation.

3. Under these circumstances I request that necessary steps may be taken to ensure the proper care and observation of persons who appear to be of unsound mind, and are taken charge of as such by the Police, and their admission for that purpose into to the Lunatic Asylum. If this cannot be done, the only alternative which I can suggest is that the Resident should issue a fresh notification making the Central Jail the place for the temporary Reception of such persons.

I have etc

Hall Asst. Surgn.
Actg. Maffe.

No. 1097. Encl. to S. No.

From. The Second magistrate,
Civil & military Station, 3.5.e
Bangalore, 3rd February 1897.

To,

The District magistrate,
Civil & military Station, Bangalore.

Respected Sir,

I beg respectfully to refer to your endorsement No. 1752, dated 21st January 1897 regarding the Lunatic Hajeema Bi, alias Sultan Bi

2. In accordance with the instructions conveyed in the 1st Assistant Resident's Letter, a Certificate to the effect that Sultan Bi appears to be of unsound mind, and that her detention under observation, appears necessary, was obtained from the Residency Surgeon, and with this Certificate the Lunatic was forwarded to the Lunatic Asylum.

3. But She was refused to be admitted by the officer in charge of the Lunatic Asylum (vide Letter No 189, dated 28th January 1897) on the ground that

that no order in form No. I with medical Certificate in Form A accompanied.

The officer in charge of the Lunatic Asylum was then referred to the marginally quoted Correspondence and was asked to receive the Lunatic for medical observation (vide this office Letter no 1054, dated 28th January 1897)

He has again refused to admit the Lunatic on the ground that no lunatic is under existing orders received into the Asylum for medical observation (vide Letter No. 194, dated 29th January 1897.

6. Under these circumstances, I beg humbly to solicit the favour of further orders.

I have &c

(Sd) M. Yakub

Offg: 2nd Magistrate

correspondence ending with letter from the First Asstt Resident to the Dewan of Mysore no 1662-342-86, dated 11th May 1894 and Correspondence ending with letter from the 1st Asstt Resident to the Dewan of Mysore no 1104-342-86, dated 20th March 1895.

Copy

GOVERNMENT OF MYSORE

1897.

43

No. 12060 / 1370 85-5-97-

Memo: 1 file To

SECTION Part I
FILE NO. 62 of 96-97.
SERIAL NO. 6

The First Asstt
to the Resident

I am directed to acknowledge the receipt of your letters Nos Camp 108 and 1541 of 18th Febry/97 and reminder 1544 of 7th April/97 respectively, calling for an explanation of the proceedings of the Offr in charge of the Lunatic Asylum, Bangalore, in refusing to receive a woman sent to the Asylum for observation from the C & M Sts, and in reply to state that under para 23 of the Madras Rules approved by the Resident in his order No 3213 of 17th August 1895, a certificate in form A has to accompany

"a lunatic or any per-
-son supposed to be
dangerous by reason
of lunacy" sent to the
Lunatic Asylum. In
the case under re-
-ference no such
certificate in the
form prescribed ap-
-pears to have been
forwarded with the
supposed lunatic
Hajima Bi alias
Sultan Bi. That certi-
-ficate does not
seem possible in the
case of a person
whose lunacy has
yet to be established
by observation. But the
Rules quoted above
and sanctioned by the Resident
do not contain any
other form of such
certificate in the
case of supposed
lunatics and the

reason probably being that they did not contemplate the reception of observation cases into a Lunatic Asylum. In september last the with the [illegible] Senior Surgeon in raising this question, brought to the notice of the Darbar the inconvenience arising from the location of supposed lunatics in the same place as the real lunatics and suggested that the former be sent to the nearest Civil Hospital or jail as used to be the case till 1895, instead of to the Lunatic Asylum. He was thereupon asked whether a certificate in the form referred to above was not being received with every person

Copy of the Senior Surgeons letter of the 16th inst

(copy V
Revised Nos
25, 27, 29 & 30

16th Nov
Govt Khana
Aurangabad
Sent to the
[illegible]

sent to the Lunatic Asylum for admission. On his replying in the negative the Darbar directed that such a certificate should be insisted upon under the Rules in the case of future admissions. Hence the action of the Officer in charge of the Lunatic Asylum in the case above mentioned.

2. It is a question ~~for consideration~~ whether a Lunatic Asylum is ~~the~~ a proper place for the detention under observation of persons who are ~~not~~ merely supposed to be of unsound mind, and if so whether the Madras Rules quoted above should not be modified so as to permit

of such persons being received into the Asylum without insisting upon the production of a certificate in form A. This is a point upon which I am to beg the favor of the Resident's ~~consideration~~ orders. The Darbar are of opinion that supposed lunatics may be sent to the Central Jail instead of to the Lunatic Asylum and that in their case a certificate in form A may be replaced by a certificate setting forth that they appear to be of unsound mind and that therefore their detention under observation appears necessary. If this

view should commend itself to the Resident the arrangements made in 1894 and 1895 may be modified accordingly.

3. Pending the final settlement of this question, the Senior Surgeon has been instructed to receive supposed lunatics into the Asylum without requiring a certificate in the form A.

I have etc

G
3/5/97
Surgeon

and the modifications of Rule 8 of the Municipal Rules

3/5/97

No. 2661

(48)

From Dy Com 11568/J.1454.

THE FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

SECTION Paid J
62 of 96-97
SERIAL NO. 10

To The Dewan of Mysore.

Dated Bangalore, 24th June 1897.

Sir,

I am directed to acknowledge the receipt of your letter No. 12060 dated the 5 ultimo, and to say the Resident is obliged to the Mysore Government for allowing the continuance for the present of the arrangements alluded to in the concluding para of the letter, under which suppposed lunatics from the Civil and Military Station will be admitted into the Lunatic Asylum without a certificate in form A being demanded on their account.

2. As, however, your letter cited above appears to have been written on an imperfect survey of the antecedent proceedings in this case, a series of the previous correspondence has been prepared under the

the Resident's direction to which I am to invite attention:-

The salient points in this correspondence are:-

(a). After consulting the Durbar, and with their consent, the Resident issued his notifi- × S.No. 3/a
-cation of the 11th May 1894, appointing the Super-
-intendent of the Lunatic Asylum at Bangalore as the medical officer to whom accused persons, suspected to be of unsound mind, were to be sent for observation. This notification was communicated to you with this office letter No. 1662 S.No. 3 dated the 11th May 1894.

(b.) The Durbar were again addressed in July × S.No. 6
8941, and asked whether non-criminal lunatics could also be sent for observation to the Pettah lunatic asylum.

(c). On the receipt of their reply S.No. 12 the then Resident (Mr. Lee Warner) addressed the Government of India, and as the outcome of this reference, notifi-
-cation No. 2739 dated the 19th July 1895 issued, which had previously been submitted to the Durbar, with letter No. 2045 S.No. 19 dated the 7th June 1895.

(d). At that time the rules contained in Section XVII of the Madras Medical Code, Vol II, were not in ~~consequence~~ legal operation, but under order No. 3213 S.1 '23 dated the

the 14th August, 1895 those rules were, with the consent of the Mysore Government, extended to the Bangalore Lunatic Asylum, with the important reservation "so far as the said rules are capable of application". It is obvious that all the rules were not, under the circumstances, susceptible of strict application in the Bangalore Asylum.

(e). In December 1896 the 2nd Magistrate Civil and Military Station sent, in accordance with the orders in force, a woman to the lunatic asylum for observation, but the officer in charge refused to receive her on account of some recent orders which had been passed by the Mysore Government but of which none of the officers of the Civil and Military Station had any cognizance.

(f). In order to comply, so far as was practicable, with the rules, a certificate setting forth that the woman required be kept under observation was sent with her to the lunatic asylum on the 26th Jan but her admission was again refused under the circumstances explained in Surgeon Lieutenant-Colonel Benson's letter Nos 189 and 194, dated respectively the 28 and

and 29th January 1897. In the former of which communications the Proceedings of the Mysore Government No. 5332/1607 dated the 7th November 1896 were for the first time brought to notice. × S/No. (30)

(g). Being unable to understand how any change in the sanctioned arrangements could have been ordered without the necessity for a reference to the Resident having been taken into consideration, Captain Erskine's letter No. 108 dated the 18th February 1897 was written × S/No. (35)
to which after a lapse of close upon 3 months a reply, No. 12060/13710 dated the 5th May 1897, the communication under acknowledgment has been received × S.No. (43)

(h). This letter treats the case as if some special irregularity had occured in the transmission of the woman Hajma Bi alias Sultan Bi without the certificate in Form A as prescribed by the Madras rules, regardless of the fact that since the introduction of those rules in 1895 it has not been customary to send such certificates with supposed lunatics either from Mysore or the Civil and Military Station, and also of the partial application, under the circumstances, of the Rules themselves.

3. In inviting attention to what has

has passed in the case, the Resident-I am to say, has no wish to contest the deliberate opinion advanced by the Medical officer that the Central Jail is a more suitable place for the reception of lunatics than the Lunatic Asylum, but Colonel Robertson feels sure the Durbar will agree that before any reciprocal administrative arrangement between the Durbar and the Resident is altered or modified, it is very desirable that this should be preceded by a reference to the Resident. In the case which has occasioned the present correspondence some inconvenience has been caused by the omission to communicate the wishes and intentions of the Durbar previous to the issue of their Proceedings

× S. No. (30) No. 5332 dated the 7th November 1896. J. 607

4. Moreover, if any change is now made in the place to which lunatics may be sent from the Civil and Military Station, a reference to the Government of India will be necessary. In this connection, however, the Resident notices that in their letter No. 1315 × dated the 28th February 1895 the Durbar expressed J. 1-59-759 the opinion that the Lunatic Asylum was

× S No. 12

to

be preferred to the jail for this purpose, and that Mr. Lee Warner adopted, and reported his opinion to the Government of India. It is true that the order of the 17th August 1895 (No. 1213) had not then issued and that the Madras rules were not in force as regards civil and Military Station supposed lunatics, but this does not appear to effect the suitability of one place over another for keeping these unfortunates under observation. Before therefore making any reference to the Government of India, Colonel Robertson will be obliged if the Mysore Government will be kind enough to inform him whether after a further consideration of the case they are still of opinion that the Central Jail should be substituted for the City Lunatic Asylum in modification of the notification communicated to the Durbar with his office letter No. 2744 dated the 19th July 1895; and accepted by them. S N°. 23 a

S N°. 21 No. 2739 87. 19 July 95

I have the honour to be
Sir,
Your most obedient servant.

First Assistant Resident.

No: 321 / 38 dated 8-7-97.

L

GOVERNMENT OF INDIA

SECTION Paid F

FILE NO. 62 of 96-97.

SERIAL NO. 11

The 1st Asst to the Resident in Mysore

(49)

Sir,

I am directed ~~to~~ acknowledge the receipt of your letter No 2661 of 24th June 1897 regarding the admission of supposed lunatics of the C. & M. Station into the State Lunatic Asylum, ~~or the Central Jail~~ and to state in reply that the Durbar, ~~while agreeing with the Resident that before any reciprocal administrative arrangement between the Durbar and the Resident as regards C. & M. Station supposed lunatics is altered or modified it should be preceded by a reference to the Resident~~ regret very much

~~much~~ the inconvenience
~~that has been~~ caused
by the ~~Durbar's~~ incident omission
to communicate ~~to the~~ to you their wishes & intentions as contained in
~~their note of the~~ Pro. No. 5332 of
~~Resident dtd Pro. No. 5332~~ 1607
1607
A copy of it ought to have been sent to the Resident
7: Novr 1896. ~~previously to~~ ~~this date~~ with regard to the requirements
and his consent obtained ~~to this~~ ~~of the Rules~~, but through inadvertence this was not done

2. Having regard to
the views of the Resident as
expressed in the letter
under reply, the Durbar
do not ~~wish to press for~~ now solicit
the consideration of the
suggestion made in
para 2 of ~~its~~ their letter of
5: May 1897 and ~~to state~~
~~that the existing arrange~~
~~ments might well continue~~

~~3.~~ I am to add that
the Officer in charge of the
State Lunatic Asylum has been
~~will be~~ informed ~~accordingly~~ that the arrangements
which existed before the issue of the order of
~~by the~~ 7th November 1896 should continue.

I have &

A.
7-7-97

7/7/97 Secretary.